

### **REMARKS**

Claims 1-8, 10-14 and 19-25 are presently pending in the application.

The Examiner has repeated the Restriction Requirement from the previous Office Action and has made the requirement final. Accordingly, process claims 15-18, as well as claim 9 containing a process feature as contended by the Examiner, have been cancelled without prejudice to the filing of a Divisional application directed to the subject matter thereof.

Claims 1-14 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in several respects. While not necessarily agreeing with the Examiner's rejection, claim 1 has been amended, and new claims have been added which are believed to overcome the alleged indefiniteness in original claim 1. Specifically, with respect to the phrase "in particular for boiled ham or pickled products" this phrase has been removed from claim 1 and clarified by dividing into two new dependent claims 21 and 22. With respect to the phrase "against whose side facing away from a meat product to be packaged therein can be place a net" this phrase has also been removed from claim 1 and rewritten in new claim 19 which covers the combination of the foil with a separate net lying against one side. In addition, claim 1 has been amended to specifically state that the net is not a part of the foil being claimed there, and the net is only part of the product claimed in claims 19-23. Finally, the term "its" has been deleted, and claim 1 has been amended to make clear that "it" refers to the foil.

With respect to the Examiner's query whether a meat product is being claimed as an element of the product or whether the wrap must merely be capable of use with a meat product, claim 1 has been amended to repeatedly refer to "a meat product to be wrapped with the foil," so that it should be clear that Applicants are claiming a wrap capable of use with a meat product. The meat product is part of the claimed product in claims 20-23, where it is specified that the foil is wrapped around a meat product and the net is stretched over the meat product wrapped in the foil.

With respect to the indefiniteness rejection of claim 5, the Examiner contends that it is not clear what degree or level of coating would be considered "predominantly covers" the foil. This rejection is respectfully traversed because one skilled in the art will readily understand what is meant by this term. First, The Random House Dictionary of the English Language, Second

Edition Unabridged (1987) defines predominant as "preponderant" or "prominent." Second, the present specification defines a predominant coating as one in which only minimal areas remain where the meat product could come into contact with the foil (see page 3, lines 7-8). Thus, as will be readily understood by one skilled in the art from reading the specification, the purpose of the anti-adhesive coating is to prevent the wrapped meat product from sticking to the packaging wrap after cooking, so that the coating must be sufficiently extensive to prevent binding of the wrap to the albumin of the meat product, so that the wrap can be effortlessly removed after cooking without tearing out small pieces of the surface of the meat product (see page 2, lines 18-23). Therefore, the Examiner's rejection of claim 5 is unwarranted and should be withdrawn.

In view of the above amendments and remarks, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are respectfully requested.

In addition to the above discussed amendments, claim 1 has been further amended to specify that the foil is flexible and non-collagen, in order to further distinguish over the collagen foils described in the Background section of the application and over the synthetic intestine wraps mentioned at page 2, lines 26-28. These amendments are supported, for example, at page 2, lines 12-13 and 30.

In addition, new claims 20 and 23-25 have been added to claim further features of the present invention. Claim 20 is supported, for example, at page 4, lines 14-16 and page 5, lines 10-11. Claim 23 is supported, for example, at page 5, lines 9-10. Claim 24 is supported, for example, at page 3, lines 24-29. Claim 25 is supported, for example, at page 2, line 30-page 3, line 1. Accordingly, no new matter has been added and entry of the amendments is respectfully requested.

The Examiner has rejected all of the original claims 1-14 under 35 U.S.C. 102(b) as anticipated by Japanese published patent application JP 04194064A ("JP'064") or under 35 U.S.C. 103(a) as being unpatentable over JP'064 in view of U.S. Patent 4,081,580 of Kato or U.S. Patent 6,251,449 of Hammer. The Examiner contends that JP'064 teaches a ham packaging wrap which is water-insoluble and permeable to gas, steam and/or smoke, comprising a non-tubular, flat foil which can be made from woven, knit, non-woven, cellulose, and synthetic fibers. The Examiner contends that the wrap has a net on an outer side, an area weight of 5-100g/m<sup>2</sup>, an anti-adhesive coating on an inner side which can be viscose and which covers the

foil. The Examiner further notes the anti-adhesive being applied in an amount of  $8 \text{ g/m}^2$ , the use of water impermeable materials, such as rayon and polyester, and needle punches in the foil. The Examiner argues that no weight is given to the recitation "for meat products" in the preamble of claim 1 on the ground that it merely recites the intended use of the structure, presumably taking the position that the body of the claim does not depend on the preamble for completeness but instead the structural limitations are able to stand alone.

With respect to claim 8, the Examiner acknowledges that JP'064 does not teach the anti-adhesive material having gaps, but contends that Kato teaches a meat wrap having a water-impermeable, anti-adhesive coating possessing gaps. The Examiner contends that it would have been obvious to incorporate the coating of Kato into the invention of JP'064, since both are directed to meat wraps, and since the coating and gaps of Kato would have provided better storage performance when held under refrigerated conditions.

With respect to claims 13 and 14, the Examiner acknowledges that JP'064 does not teach impregnating the wrap with liquid seasonings, flavor or smoke, or imprinting the wrap with edible color, but contends that Hammer teaches a meat wrap impregnated with liquid smoke and edible colors. The Examiner concludes that it would have been obvious to incorporate the smoke and color of Hammer into the invention of JP'064, since both are directed to meat wraps, and since meat wraps were often colored or labeled, and meat wraps impregnated with liquid smoke had improved flavor and aroma, more uniform color, and were preferred by taste testers.

These rejections are respectfully but strenuously traversed for the reasons set forth in detail below.

First, the Examiner is incorrect that JP'064 has a net on an outer side of the packaging wrap. The Examiner points to reference number 3 in Fig. 1. However, it is not stated which is the inside and which is the outside in Figs. 1 and 2. Moreover, the Figures are only schematic, since it is clear from the entire disclosure of JP'064 that the fibers of the cloth 2 and the strings or net 3 are interwoven with each other so that the layers are integrated with each other (see, for example, page 4, 3<sup>rd</sup>-5<sup>th</sup> paragraphs of the English translation of JP'064). Further, the packaging material shown in Figs. 1 and 2 is further coated with cellulose (page 5, lines 1-2 of the English translation).

Hence, the packaging wrap of claim 1 of the present application differs from JP'064 at least in that it has no net at all, and the embodiments of the present invention which include a net (claims 19-24) differ from JP'064 at least in that the net is separate and lies against a side of the foil facing away from the meat product to be wrapped. That is, it is not interwoven or integrated into the cloth, as in the case of JP'064. This allows for a much simpler manufacturing process for the packaging wrap.

Moreover, since the packaging wrap of JP'064 already has the strings, net or the like interwoven or integrated into the cloth by needle punching, high-pressure, water flow or other mechanical means, when the meat product is wrapped with the packaging material, the packaging material must be sewn together to hold the meat product (see page 7, 6<sup>th</sup> paragraph of English translation) to form a cylinder as a casing for ham, for example. In contrast, with the packaging wrap of the present invention the foil may be simply wrapped around the meat product so that the edges of the foil slightly overlap, and the net may then be stretched over the meat product wrapped in the foil (see claims 20 and 23). The net then holds the packaging foil and the meat product by its own elasticity, and no sewing step is required.

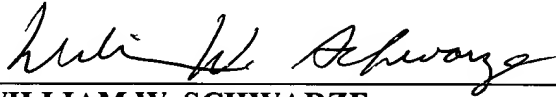
In other words, the application of the net over the wrapping foil of the present invention is only necessary because the overlapping edges of the packaging foil are not bound with each other. In contrast, in the case of JP'064, the net is an integral part of the packaging wrap, being interwoven with the cloth fibers, and the edges of the packaging wrap must then be sewn together in order to hold the meat product therein.

Accordingly, JP'064 neither anticipates nor renders obvious the presently claimed invention, and reconsideration and withdrawal of the rejections based on JP'064 are respectfully requested. Claims 8 and 13-14, as well as the remaining dependant claims, are all directly or indirectly dependant from claim 1 and are therefore patentably distinct from the prior art for at least the same reasons as discussed above.

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Accordingly, in view of the above amendments and remarks, it is submitted that all of the claims in the application fully comply with the requirements of 35 U.S.C. § 112 and patentably distinguish over the prior art of record. Reconsideration and an early Notice of Allowance are respectfully solicited.

Respectfully submitted,

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